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EXAMINER	
RILEY, MARCUS T	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
12/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/827,255	HIKICHI ET AL.	
	Examiner	Art Unit	
	MARCUS T. RILEY	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/19/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) *2* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/29/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 19, 2009 has been entered.

Response to Amendment

2. This office action is responsive to applicant's remarks received on November 19, 2009. Claims 1 & 3-9 remain pending. Claim 2 has been cancelled.

Response to Arguments

3. Applicant's arguments with respect to amended **claims 1, 5 & 7-9**, filed on November 19, 2009 have been fully considered but they are not persuasive.

Applicant's Arguments

For Applicant's remarks see *"Applicant Arguments/Remarks Made in an Amendment"* filed November 19, 2009.

Examiner's Response

Applicant argues that the applied art is not seen to disclose or suggest (i) specifying level information of a user who performs a user instruction to read image information stored on a

storage device attached to a recording medium, and (ii) determining a range of image information to be read from the storage device and a range of image information to be printed, based on the level information of the user who performs the user instruction.

Examiner understands Applicant's argument but respectfully disagrees. Petteruti discloses, teaches or suggests specifying level information of a user who performs a user instruction to read image information stored on a storage device attached to a recording medium. Perutti at Column 4, line 33-67 discloses that the host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print mechanism 36 or to encode or read an RFID circuit 16a on media 16 at step 52. The controller 34 then specifies commands, such as an id number, RF tag information, product name, description, weight. Then, the controller 34 and determines whether the commands and data are valid at step 54. Fig. 3, Step 52, shows the host terminal or computer as the user. Petteruti also discloses, teaches or suggests determining a range of image information to be read from the storage device and a range of image information to be printed, based on the level information of the user who performs the user instruction. See Petteruti '401 at column 3, lines 20-52 where the range of content to be read, varied and written includes content such as product price, type, or other identifier; product information, quantity, or location; and in a baggage ticket, flight information, owner, or baggage identifier. Furthermore, at column 4, lines 33-67 thru column 5, lines 1-26, Petteruti '401 explains where a range of content is read the content is to be printed and where the information in the storage is varied by the name, description, weight or ID number. Moreover, as understood by the Examiner, since the portable printer reads the data to verify whether the commands are valid. Validity may include whether the printer 10 is associated with an address or printer-type

specified in the command, and whether the command is one of a set of valid commands. Therefore, the range of such data and the range of the written data are not always the same. Thus, Petteruti discloses, teaches or suggests Applicant's invention.

Accordingly, independent claims 1, 5 and 7-9 are not in condition for allowance. The other claims in the application are each dependent from the independent claims and are also not allowable over the applied references for at least the same reasons. As a result, Applicant's application is not in condition for allowance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. **Claims 1-9** are rejected under 35 U.S.C. 102(e) as being anticipated by Petteruti et al. (US 6,409,401 hereinafter, Petteruti '401).

Regarding claim 1; Petteruti '401 discloses an image processing apparatus (Fig. 1, Printer 10) comprising:

an input unit (Fig. 2, Host Terminal 52) which inputs image information including a first image information having a first attribute for printing (i.e. The host terminal sends to the printer 10 commands and data that directs the printer controller 34 to print on media using the print mechanism 36. Column 4, lines 40-45);

and a second image information having a second attribute for storing (Fig 1B, RFID Circuits 16a i.e. RFID circuit 16a is used to store information. Column 3, lines 44-52);

a printer (Fig 1, Printer 10) which prints an image based on the image information input by said input unit on a recording medium to which a storage device is attached (i.e. The portable printer is used for printing on media and encoding RFID circuits coupled to such media in which the information printed on the media can be related to the information encoded. Column 1, line 66 thru column 2, line 3);

a writing unit (Fig 2, RFID (read/write) encoder 22) which writes the image information to the storage device attached to the recording medium (i.e. The RFID encoder 22 operates in accordance with programmed microprocessor controller 34 (FIG. 2) on the printed circuit board 24 to write data onto the RFID circuit. Column 3, lines 21-30);

a controller (Fig 2, Microprocessor Controller 34) which controls said printer (i.e. The printer control has a microprocessor controller 34 for controlling the print head 18 and actuating motor 21 to drive media 16 across the print head 18. Column 2, lines 50-55);

and said writing unit to print the image based on the first image information on the recording medium (i.e. The controller 34 operates the RFID encoder 22 to store digital information or data which may be printed by the print head 18. upon the same part of the media having the RFID circuit. Column 3, lines 44-52);

and to write the second image information with a plurality of level information associated with visualizing to the storage device attached to the recording medium on which the printer prints the image (The RFID encoder 22 operates to write data onto the RFID circuit 16 and store digital information or data which may be printed by the print head 18. Column 3, lines 20-52);

a reading unit (Fig 2, RFID (read/write) encoder 22) which reads the second image information stored in the storage device based on a user instruction (Fig. 3, Step 62 i.e. Using the encoder 22, the controller

34 next reads the RFID circuit to verify that the tag was encoded with the data at step 62. Column 5, lines 4-25 and Column 3, lines 20-52);

a specifying unit (Fig 2, Part of the Controller 34 – Not shown.) which specifies a level information (i.e. RF tag information, such as product name, description, weight, or id number) of the user (Fig. 3, Step 52, Host terminal or computer) who performs the user instruction (i.e. The host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print mechanism 36 or to encode or read an RFID circuit 16a on media 16 at step 52. The controller 34 then specifies commands, such as an id number, as and determines whether the commands and data are valid at step 54. Column 4, line 33-67);

wherein said controller controls said printer to print the image based on the second image information read by said reading unit is on the recording medium in a case where said reading unit reads the second image information (i.e. The host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print mechanism 36 or to encode or read an RFID circuit 16a on media 16 at step 52. Column 4, line 33-67);

and controls to determine a range of the second image information to be read by said reading unit and a range of the second information to be printed based on the level information of the user specified by said specifying unit from among the plurality of level information written on the storage device by said writing unit (i.e. The host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print mechanism 36 or to encode or read an RFID circuit 16a on media 16 at step 52. The controller 34 then specifies commands such as an id number and determines whether the commands and data are valid at step 54. Column 4, line 33-67).

Regarding claim 3; Petteruti '401 discloses a display unit (Figs. 1 & 2, Display Unit 28) which displays content of the image based on the image information stored in the storage medium (i.e. Display unit 28 displays image information stored in the storage medium. Column 4, lines 7-32).

Regarding claim 4; Petteruti '401 discloses an instruction unit (Fig 2, Part of the Controller 34 – Not shown.) which instructs said printer to perform printing based on the content displayed by said display unit (i.e. Fig. 2 shows where the display is coupled to input/output ports of the controller 34 wherein the controller instructs the printer to print and the information may be displayed on display #28. Column 4, lines 7-32).

Regarding claim 5; Petteruti '401 discloses a generating step of (Fig. 3, Step 52) generating image information to be printed (i.e. The host terminal or computer sends to the printer 10 commands that can direct the printer controller 34 to print on media using the print mechanism 36. Column 4, lines 33-56).

a reading step (Fig. 3, Step 62) of reading image information stored in the storage device based on a user instruction (i.e. The controller 34 reads the RFID circuit to verify that the tag was encoded with the data Data at step 62. Column 5, lines 18-25);

and a specifying step (Fig. 3, Step 54) of specifying level information of the user who performs the user instruction (i.e. The host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print mechanism 36 or to encode or read an RFID circuit 16a on media 16 at step 52. The controller 34 then specifies commands such as an id number and determines whether the commands and data are valid at step 54. Column 4, line 33-67);

wherein an image is printed on the recording medium based on the stored image information read in said reading step in a case where said reading step reads the stored image information (i.e. If the data read by the encoder at step 62 matches the data sent to the encoder, the controller 34 sends a message to the terminal or host computer reporting that the RFID circuit was successfully encoded step 66, and then returns to step 52. In this manner, the printer 10 encodes information on the RFID circuits of media 16. The media 16 can be printed upon before, after, or during such encoding. Column 5, lines 18-25);

wherein a range of the second information to be read in said reading step and a range of the second information to be printed are determined based on the level information of the user specified by said specifying unit, and wherein the level information of the user is determined

from among a plurality of level information on level information written on the storage device (i.e. The host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print mechanism 36 or to encode or read an RFID circuit 16a on media 16 at step 52. The controller 34 then specifies commands such as an id number and determines whether the commands and data are valid at step 54. Column 4, line 33-67 and Column 3, lines 20-52);

a setting step (Fig. 3, Steps 54 & 56) of setting an attribute of the image information generated in said generating step (i.e. The controller 34 then specifies commands such as an id number and determines whether the commands and data are valid at step 54. Column 4, line 33-67) the attribute indicating whether or not the image information is to be visualized (i.e. If the commands and data are valid, the controller 34 directs the encoder 22 to query (read) the RFID tag address (or tag identifier) of the RFID circuit. Column 4, line 33-67);

a transmitting step (Fig. 3, Step 66) of transmitting the image information generated in said generating step and the attribute set in said setting step to a printer loaded with a recording medium to which a storage device is attached (i.e. If the data read by the encoder at step 62 matches the data sent to the encoder, the controller 34 sends a message to the terminal or host computer reporting that the RFID circuit was successfully encoded (step 66), and then returns to step 52. Then the printer 10 encodes information on the RFID circuits of media 16 and media 16 can be printed. Column 5, lines 4-25);

Regarding claim 6; Petteruti '401 discloses an image processing method wherein when the image information is not to be visualized, authentication information for reading the image information which is not to be visualized is set in said setting step and wherein the authentication information is transmitted to the printer in said transmitting step (i.e. If the data read does not match the data encoded, the controller conducts a number of retries. If after the retries through the RFID circuit could not be successfully encoded, the data is not verified at step 62. the controller 34 branches to step 58 from step 64 to send a message to the terminal or host computer that an encoding error has occurred and returns to step 52. Column 5, lines 4-25).

Regarding claims 7 & 9; Claims 7 & 9 contain substantially similar features as that of claim 1. Thus, claims 7 & 9 are rejected on the same ground as claim 1. Petteruti '401 also discloses a computer readable program, stored in a computer-readable storage medium (i.e. Fig. 3 is a flowchart that shows the RFID encoding program (software) for the printer 10 wherein the program may be stored in memory of the controller 34, such as SRAM, FLASH, or external memory 37. Column 2, lines 4-8).

Regarding claim 8; Claim 8 contains substantially similar features as that of claim 5. Thus, claim 8 is rejected on the same ground as method claim 5. Petteruti '401 discloses a computer readable program stored in a computer-readable storage medium, said program comprising a computer readable program, stored in a computer-readable storage medium (i.e. Fig. 3 is a flowchart that shows the RFID encoding program (software) for the printer 10 wherein the program may be stored in memory of the controller 34, such as SRAM, FLASH, or external memory 37. Column 2, lines 4-8).

Examiner Notes

8. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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